

**Notice of Allowability**

Application No.

09/769,533

Applicant(s)

MITSUOKA ET AL.

Examiner

Nicholas D. Rosen

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the communication of August 30, 2007.
2. ☒ The allowed claim(s) is/are 1-9.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Nicholas D. Rosen*  
NICHOLAS D. ROSEN  
PRIMARY EXAMINER

### **DETAILED ACTION**

Claims 1-9 have been examined.

#### ***Examiner's Amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney Thomas Jones on November 7, 2007.

The application has been amended as follows: Claim 10 is hereby cancelled without prejudice or disclaimer.

#### ***Allowable Subject Matter***

Claims 1-6 are allowed.

Claim 7 is allowed.

The following is an examiner's statement of reasons for allowance: the closest prior art of record, Buettgenbach et al. (U.S. Patent Application Publication 2002/0032613), discloses a method for managing delivery of products that have been ordered, including: presenting a screen which accepts delivery applications of the products to a provider of the products, and accepting applications for delivery of said products from the provider of said products (paragraphs 31, 37, and 38; Figure 1);

assigning application ID's to said applications (paragraphs 15, 49, 103, and 104); presenting a screen which notifies a delivery recipient of the product, and accepting a designation of delivery terms (paragraph 38; the disclosure of using a Web site and Web browser makes a screen obvious); and presenting said delivery recipient with a screen displaying at least a product scheduled to be delivered to said delivery recipient (paragraph 48). Buettgenbach does not expressly disclose a presenting step of presenting said delivery recipient with a list of the products scheduled to be delivered to said delivery recipient and said application ID, although this can be considered as disclosed if a list with one item is still a list (paragraph 48). However, the duplication of known parts is held to be obvious to one of ordinary skill in the art (*St. Regis Paper Co. vs. Bemis Co.*, 193 USPQ 8, 11; 549 F. 2<sup>nd</sup> 833 (7<sup>th</sup> Circuit 1977); *In re Harza*, 124 USPQ 378, 380; 274 F. 2<sup>nd</sup> 269, CCPA (1960)). Buettgenbach does not disclose that the delivery terms comprise a date and time of delivery, but Bjorner ("Shop Online for Holiday Food") teaches a delivery recipient specifying delivery terms comprising a date and time (three paragraphs beginning from, "Using Peapod, you can construct").

Buettgenbach does not disclose presenting a screen which displays products corresponding to application ID's for which the same delivery term has been designated, the designated delivery terms, and the delivery recipient to a delivery business being specified by the designated delivery terms. Buettgenbach discloses sending an email to a Will-Call center (paragraph 40), but the Will-Call center is not precisely a delivery business; it accepts products for pick-up by the ultimate recipient (or another designated person), rather than delivering them to the recipient. It is known to communicate

delivery information to delivery businesses (the Postal Service, United Parcel Service, etc.), and Williams et al. (U.S. Patent Application Publication 2007/0073551) teaches selecting a particular carrier (paragraph 21), but no prior art of record quite discloses or suggests presenting a screen which displays products corresponding to application ID's for which the same delivery term has been designated, the designated delivery terms, and the delivery recipient to a delivery business being specified by the designated delivery terms.

The above has been written with particular reference to claim 1. Claim 7 is largely (not entirely) parallel to claim 1, reciting a device comprising means, so that many of its elements are met by Buettgenbach and Bjorner on essentially the same grounds set forth above. However, while it is well known to request delivery by notifying a delivery business of products to be delivered, neither Buettgenbach, Bjorner, Williams, nor any other prior art of record discloses requesting means for requesting delivery by notifying a delivery business of the products corresponding to application ID's for which the same delivery term has been designated, the designated delivery terms, and the delivery recipient, wherein the requesting means are part of the same delivery management device which comprises the other means recited in claim 7.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim 8 is allowed.

Claim 9 is allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Buettgenbach et al. (U.S. Patent Application Publication 2002/0032613), discloses a delivery information service method, including: receiving a delivery request for an article (paragraph 31, 37, and 38). Storing a received delivery request in a storage device is inherent from further manipulation of the request data (e.g., paragraphs 51 and 52). Buettgenbach does not disclose searching a storage device for pending deliveries with the same delivery recipient as the delivery recipient of said delivery request, but Hartman (U.S. Patent 5,960,411) teaches combining orders to be sent to the same recipient into multiple-item orders, implying search of pending deliveries to enable relevant orders to be found and combined (column 8, lines 27-55; column 8, lines 1-25). Buettgenbach does not expressly disclose referring to an address table and extracting the notification address of the delivery recipient, but it is well known to maintain files of people's addresses, and extract the addresses therefrom, as taught, for example, by Walker et al. (U.S. Patent 5,862,223) (Figure 12; column 24, lines 6-21). Buettgenbach does not disclose that the delivery terms comprise a date and time of delivery, but Bjorner ("Shop Online for Holiday Food") teaches a delivery recipient specifying delivery terms comprising a date and time (three paragraphs beginning from, "Using Peapod, you can construct").

Buettgenbach does not disclose based on the desired delivery terms given in response to prompting the delivery recipient to input desired delivery terms, making

instructions for delivery to said delivery recipient of the article scheduled for delivery, said instructions being given to a delivery business that has been designated by the desired conditions or that matches the desired conditions. Buettgenbach discloses sending an email to a Will-Call center (paragraph 40), but the Will-Call center is not precisely a delivery business; it accepts products for pick-up by the ultimate recipient (or another designated person), rather than delivering them to the recipient. It is known to communicate delivery information to delivery businesses (the Postal Service, United Parcel Service, etc.), and Williams et al. (U.S. Patent Application Publication 2007/0073551) teaches selecting a particular carrier (paragraph 21), but no prior art of record quite discloses or suggests the particulars of the recited step.

The above has been written with particular reference to claim 9. Claim 8 recites a medium with a recorded computer program for causing a computer to execute a method including a step essentially parallel to the step which makes claim 9 allowable. Claim 8 is therefore allowable on essentially the same grounds.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Buie et al. (U.S. Patent 6,978,929) disclose systems and

methods for providing mail item retrieval. Franco (U.S. Patent 7,257,552) discloses a consumer products distribution system. Williams et al. (U.S. Patent Application Publication 2007/0073551) disclose apparatus, systems, and methods for online multi-parcel, multi-carrier, multi-service enterprise parcel shipping management. Publicover (U.S. Patent Application Publication 2007/0233507) discloses a distribution system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith, can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Non-official/draft communications can be faxed to the examiner at 571-273-6762.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Nicholas D. Rosen*  
NICHOLAS D. ROSEN  
PRIMARY EXAMINER

November 8, 2007